AF/2172

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)	Attorney Docket No. 53470.000046
	)	
Justin LANGSETH et al.	)	Examiner: Elaine L. Gort
	)	
Serial No.: 09/488,924	)	Group Art Unit: 2172
	)	
Filed: January 21, 2000	)	Confirmation No. 5121

For: SYSTEM AND METHOD FOR REVENUE GENERATION IN AN AUTOMATIC, REAL-TIME DELIVERY OF PERSONALIZED INFORMATIONAL AND TRANSACTIONAL DATA

RESPONSE TO NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 C.F.R. 1.192(C)

In response to the Notification of Non-Compliance with the Requirements of 37 C.F.R. 1.192(c), Appellants assert as follows:

1. *The brief does not contain a concise explanation of the invention defined in the claims involved in the appeal, which refers to the specification by page and line number, and to the drawing, if any, by reference characters as required by 37 C.F.R. 1.192(c)(5). The summary of the invention appears to be missing text on the top of page 2.*

RESPONSE: Appellants have revised the Appeal Brief to include references to the specification by page and line number as required by 37 C.F.R. 1.192(c)(5). *See, Pages 5-11.* The missing text has also been provided. A Corrected Appeal Brief is attached as Exhibit A.

2. *The brief includes a statement that claims 1-27 do not stand or fall together, but fails to present reasons in support thereof as required under 37 C.F.R. 1.192(c)(7). MPEP §1206. In the first section of the Arguments applicant has made arguments regarding claims 1 and 2 and therefore, Applicant has made it unclear, which claims are to be separately argued and which claims stand and fall together. The first sub-title begins at claim 2.*

RESPONSE: Appellants respectfully submit that the Appeal Brief complies with 37 C.F.R. 1.192(c)(7). MPEP §1206 states "that 37 C.F.R. 1.192(c)(7) requires the appellant to perform two affirmative acts in his or her brief in order have the separate patentability of a plurality of claims subject to the same rejection considered. The appellant must (A) state that the claims do not stand or fall together and (B) present arguments why the claims subject to the same rejection are separately patentable."

Appellants have performed both of these affirmative acts. On page 11, the Corrected Appeal Brief states that the claims do not stand or fall together. Further, subsections B through BB of the Corrected Appeal Brief, found on pages 19-28, state that each claim is separately patentable and provides the reasons therefor. For example, subsection C states that claim 2 is separately patentable because the "proposed combination fails to suggest the recitation in dependent claim 2." Subsection C also states that "[t]here is no suggestion in Harrington to modify Harrington to provide a revenue generating means comprising a subscription transaction processing means that charges subscribers fees," and further that "there is no suggestion that any

such a subscription transaction processing means is desirable or advantages in the system of Harrington. Claim 1 is addressed in subsection B, while the remaining claims 3-27 are addressed in subsections D through BB. Accordingly, Appellants respectfully submit that the Corrected Appeal Brief complies with 37 C.F.R. 1.192(c)(7).

3. *Applicant's arguments fail to comply with 37 C.F.R. 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.*

RESPONSE.[1]**:** Appellants respectfully submit that the arguments set forth in the Corrected Appeal Brief do not amount to a "general allegation that the claims define a patentable invention," but rather assert that the Examiner's obviousness rejections fail to make out a *prima facie* case of obviousness and thus must be withdrawn. Such an argument clearly complies with 1.192(c)(8)(ii), which states that, for rejections under 35 U.S.C. §103, the "argument shall specify the ***errors*** in the rejection and, if appropriate, the specific limitations in the rejected claims which are not described in the prior art relied on in the rejection, and shall explain how such limitations render the claimed subject matter unobvious over the prior art."

In particular, the Corrected Appeal Brief points out numerous errors in the pending obviousness rejections, including the Examiner's failure to address **all** claim limitations and identify any motivation to combine the cited references (i.e., the Harrington reference and what is "well-known" in the art) to achieve the claimed invention. Appendix C of the Corrected Appeal Brief, for example, sets forth each and every claim limitation of the pending claims that is not properly addressed (i.e., outright ignored or mischaracterized) by the Office Action.

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[1] Appellants presume that the Examiner intends to refer to 37 C.F.R. 1.192(c)(8) which relates to arguments presented in Appeal Briefs, rather than 37 C.F.R. 1.111(b) which relates to responses to non-final office action.

Further, the Corrected Appeal Brief asserts that the Examiner fails to identify those portions of the cited reference that purportedly teach or suggest the claimed limitation. Moreover, the Corrected Appeal Brief indicates which limitations in the rejected claims are not described in the prior art relied on in the rejection. For example, on pages 15-16 of the Corrected Appeal Brief, Applicants argue that the Harrington reference does not teach or suggest the "subscription means" limitation of claim 1. Appendix B recites all the limitations of claim 1 that Applicants submit are not taught or suggested by the cited reference. The limitations of claims 2-27 that are not disclosed by the cited reference are set forth in subsections B through BB on pages 19-28 of the Corrected Appeal Brief.

4. *Appellant is required to comply with provisions of 37 C.F.R. 1.192(c).*

RESPONSE: Appellants respectfully submit that the Corrected Appeal Brief complies with the provisions of 37 C.F.R. 1.192(c).

CONCLUSION

It is respectfully submitted that the Corrected Appeal Brief is in compliance with the provisions of 37 C.F.R. 1.192(c) and 41.37(c)(1)(vii).

It is believed that no additional fees are due in connection with filing this amendment. However, the Commissioner is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Appellants also authorize the Commissioner to charge any additional fees to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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CORRECTED APPEAL BRIEF

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For: SYSTEM AND METHOD FOR REVENUE GENERATION IN AN AUTOMATIC, REAL-TIME DELIVERY OF PERSONALIZED INFORMATIONAL AND TRANSACTIONAL DATA

APPEAL BRIEF

In response to the Office Action dated May 29, 2003, finally rejecting pending claims 1-27, appellant respectfully requests that the Board of Patent Appeals and Interferences reconsider and withdraw the rejections of record, and allow the pending claims, which are attached hereto as an Appendix A.

I. REAL PARTY IN INTEREST

The real party in interest is Microstrategy, Inc., the assignee of the above-referenced application.

II. RELATED APPEALS AND INTERFERENCES

There are no known related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-27 are pending in this application. The rejection of claims 1-27 is appealed.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been filed subsequent to the final rejection dated May 29, 2003.

V. SUMMARY OF INVENTION

Appellant believes that a brief discussion of the background technology, followed by a brief summary of the embodiments of the invention and the problems solved by the embodiments of the present invention, will assist the Board of Patent Appeals and Interferences (hereinafter referred to as "the Board") in appreciating the significant advances made by the embodiments of the present invention.

A. The Background

Information is most useful when it is delivered to the right person at the right time. Delivery of the right information to the right person has been a problem that many businesses have attempted to solve over the years. Indeed, an entire industry of decision support technology exists to deliver information to members of a business based on massive amounts of data collected about the businesses. While many such systems exist, most are implemented for delivery of information to businesses and not to individuals. These systems also usually require that a user log-in to the system to seek out information. If information of interest changes rapidly, users must continuously log-on to the system to check for updated information.

Decision support systems have been developed to efficiently retrieve selected information from data warehouses. One type of decision support system is known as an on-line analytical processing system. In general, OLAP systems analyze the data from a number of different perspectives and support complex analyses against large input data sets. There are at least three different types of OLAP architectures - ROLAP, MOLAP, and HOLAP. ROLAP ("Relational On-Line Analytical Processing") systems are systems that use a dynamic server connected to a relational database system. Multidimensional OLAP ("MOLAP") utilizes a proprietary multidimensional database ("MDDB") to provide OLAP analyses. The main premise of this

architecture is that data must be stored multi-dimensionally to be viewed multi-dimensionally. A HOLAP ("Hybrid On-Line Analytical Processing") system is a hybrid of these two. Each of these types of OLAP systems are typically client-server systems. The OLAP engine resides on the server side and a module is typically provided at a client-side to enable users to input queries and report requests to the OLAP engine. Many current client-side modules are typically stand alone software modules that are loaded on client-side computer systems. These systems require that a user must learn how to operate the client-side software module in order to initiate queries and generate reports.

An OLAP product developed by MicroStrategy, known as MicroStrategy Broadcaster,™ leverages this decision support technology for automatic delivery of reports based on database contents. MicroStrategy Broadcaster is an OLAP based system that provides businesses and other users with the ability to set up "services" to which participants may subscribe. The service provides content based on data in a database, such as a data warehouse, and may be personalized to users' tastes. For example, while a service may be generated for stock in the warehouse of a company, different sales managers may only want to know the stock for a particular product line. Those sales managers may then personalize the report generated by MicroStrategy Broadcaster™ so that the report only includes information about the product line of interest.

Although some push technologies have been developed for automatically delivering content to users, most systems simply "dump" information about a particular subject without regard to users' particular preferences or interests. Some such technologies are available on the World Wide Web and the Internet.

The World Wide Web and the Internet have provided an avenue for information delivery, but current Web-based systems still fail to adequately deliver the right information at the right

time. One of the major problems with the World Wide Web is the requirement to utilize a computer and web-browser to access its contents. Although penetration of computers throughout the world has increased, that penetration is far from making information readily available to everyone wherever they happen to be.

Moreover, most computer users connect to the Web through a land line. Most users therefore do not have access to Web content when they are away from a land line. Although technology is being developed to enable World Wide Web access through other mediums, such as web-enabled personal digital assistants, for example, such technology require users to purchase new equipment to access this technology. Given the sparse penetration of personal digital assistants already, this technology does not satisfy the need for delivery of timely information.

Another system in use today is an interactive telephone system that enables users to interactively request information through a computerized interface. These systems require that the user call in to a central number to access the system and request information by stepping through various options in predefined menu choices. Such information may include accessing account information, movie times, service requests, etc.

A problem with these systems is that the menu structure is typically set and not customized to a particular's users preferences or customized to the information available to that user. Therefore, a user may have to wade through a host of inapplicable options to get to the one or two options applicable to that user. Further, a user may be interested in particular information. With existing telephone call-in systems, that user has to input the same series of options each time they want to hear the results of that report. If the user desires to run that report frequently, the telephone input system described is a very time consuming and wasteful method

of accessing that information. Also, if a particular user may only be interested in knowing if a particular value or set of values in the report has changed over a predetermined period of time, in such a system, the user would be required to initiate the report frequently and then scan through the new report to determine if the information has changed over the time period specified.

Further, reports may be extensive and may contain a large amount of information for a user to sort through each time a report is run. Therefore, the user may have to wait a long time for the report to be generated once they input the appropriate parameters for the report.

Therefore, existing systems do not provide a readily available medium for delivery of the right information at the right time or a system for delivering that information.

In addition, customer loyalty has been growing more and more scarce as new business models, such as e-commerce applications, open up new avenues of competition. Companies of all types are in need of products or services to maintain existing customers and attract new customers. Indeed, one of the great challenges faces by Internet-based companies has been providing content and functionality that keeps users coming back. Although many functions and different content is available, there is an almost continuous need for new and meaningful content for users.

These and other drawbacks exist with current systems.

B. The Embodiments of The Present Invention

One embodiment the present invention provides a system and method for providing personal intelligence content that may be provided to affiliates, thereby enabling affiliates to provide useful, meaningful content to its users and/or subscribers with little or no effort in creating, maintaining, charging or dealing with other administrative issues. *See Page 5, line 20-Page 6, line 1.* Specifically, one embodiment provides a personalized network that actively

broadcasts highly personalized and timely information to individuals via email, spreadsheet programs (over e-mail), pager, telephone, mobile phone, fax, personal digital assistant, HTML e-mail and other formats to generate revenues from subscription fees, transactional fees and advertising fees. *See Page 6, lines 2-6.* Revenue generated may be shared between system participants including the personal intelligence network and affiliates. *See Page 6, lines 6-8.*

In this system, informational and transactional data may be loaded and formatted into a database system. *See Page 6, lines 9-10.* The database system may then provide a plurality of "channels" wherein each channel may comprise information and transactional data about a particular field of interest, such as business, weather, sports, news, investments, traffic and others. *See Page 6, lines 10-13.* Subscribers may then sign up to receive output from one or more services from one or more of the channels of information. *See Page 6, lines 13-15.* A service should be understood to be formatted content that is sent to certain subscribers at a certain frequency or based on the occurrence of a predetermined event, such as an update to a database. *See Page 6, lines 15-17.* For example, a service for an investments channel may be called "Market Update" that sends an email to subscribers every day at 5 p.m. with a summary of the market results for the day. *See Page 6, lines 17-19.* That same service may be scheduled to run periodically throughout the day when new market information is loaded into the investor channel database. *See Page 6, lines 20-21.* These are only two examples of the many types of services that may be processed by the system of the present invention. *See Page 6, line 21- Page 7, lines 1-2.*

A subscriber is any individual or entity that signs up to receive a service and then begins receiving that service on a given schedule that may be set by the subscriber or the system. *See Page 7, lines 3-5.* A schedule is the frequency for which a service is sent to be processed (e.g.,

end-of-day (after 5 p.m.), intra-day (every hour between 10 a.m. and 5 p.m.), end-of-week (5 p.m. on Friday)). *See Page 7, lines 5- 7.* A style refers to the kind of look a service has (e.g., a different style exists for a pager versus an email output due to the device constraints). *See Page 7, lines 7-9.* Each subscriber may also select to personalize the service content. *See Page 7, lines 9-10.* Personalization may include preferences for types of content, information, etc. that the user desires to receive within the scope of a particular service. *See Page 7, lines 10-11.* For example, for a service that sends an end-of-market report, the user may only want to see the portions of the report that deal with stocks in her individual portfolio. *See Page 7, lines 11-13.* The service output may also include non-personalized content such as in the previous example, the Dow Jones Average for the day. *See Page 7, lines 14-15.*

Affiliates may simply create opportunities for its users and subscribers or individuals that contact the affiliate to become subscribers of a personalized intelligence network of the present invention that is maintained and created by another entity. *See Page 7, lines 16-19.* For example, as discussed below, an affiliate may be a financial institution that enables its customers to subscribe to an investment and/or personal finance channel that outputs personalized content related to that user's finances with that financial institution and also to present other opportunities to enable the financial institution to leverage its relationship with the user. *See Page 7, line 19- Page 8, line 1.* In another example, communications entities may provide subscriptions to one or more channels to increase the use of an output device that they provide. *See Page 8, lines 1-3.* More specifically, a pager company may enable its users to subscribe to a weather channel that sends alerts over the pager so that its users get increased value from the device. *See Page 8, lines 3-5.* An Internet entity may enable its users to subscribe to provide channel output related to the content from the site. *See Page 8, lines 5-7.* For example, an

Internet site related to sports may enable its users to subscribe to a sports output channel. *See Page 8, lines 7-8.*

Accordingly, an entity may become an affiliate of a personalized intelligence network system as described in detail below that generates personalized content to the subscribers through the affiliate. *See Page 8, lines 9-11.* Affiliates may enable their subscribers to subscribe to channel database services to provide personalized intelligence network access. *See Page 8, lines 11-13.* According to the present invention, one or more channels of personalized intelligence information are accessed and distributed to subscribers to one or more services provided for each channel. *See Page 8, lines 14-16.* Subscribers may sign up to receive one or more services for each of the one or more channels through a web interface system that identifies each of the available types of information that the user may access. *See Page 8, lines 16-18.* The subscription interface may also be a mobile phone, a land-line phone, or any other method of subscribing. *See Page 8, lines 19-20.* The subscriber may input personalization options through the web interface so that the service output generated for that subscriber is what the user desires to get. *See Page 8, lines 20-22.* The subscriber information may be stored in subscription database that are periodically provided to the channel databases. *See Page 8, lines 22- Page 9, line 1.* The subscription information for each subscriber to a service handled by a channel database may be stored for the service for later processing and generation of service output by the system. *See Page 9, lines 1-4.*

The channel databases are populated with information and other data content through one or more data load systems. *See Page 9, lines 5-6.* The data load systems may receive information through continuous feed systems, such as satellite and land line feeds, or through periodic feed systems, such as an FTP data feed system. *See Page 9, lines 6-8.* The data load

system cleanses and categorizes the data and then stores the data in the appropriate channel database for later processing. *See Page 9, lines 8-10.*

Further, a data distribution system is provided that processes services using the information in the channel databases. *See Page 9, lines 11-12.* The data distribution system may comprise a data distribution control system and one or more data distribution servers. *See Page 9, lines 12-14.* The data distribution control system controls the operations of a plurality of data distribution servers to balance the load and generate greater output in an efficient manner. *See Page 9, lines 14-16.* Each data distribution server system may comprise a server control system and a plurality of message generator systems (each of which passes generated messages to a mail formatting system and mail forwarding system). *See Page 9, lines 16-18.* The server control system further breaks down the jobs assigned for each of the plurality of message generator systems. *See Page 9, lines 18-20.* That way, a multiple-tiered processing system is provided to distribute the processing load throughout the system. *See Page 9, lines 20-21.*

A nerve center is provided to control the overall operation of the system. *See Page 10, line 1.* Specifically, the nerve center tracks updates to the channel database and the data load system and controls operation of the data distribution system. *See Page 10, lines 2-3.* The nerve center monitors services to determine whether the data necessary is available in the channel database before the service is processed in that database. *See Page 10, lines 3-5.* Before any service is processed by a data distribution system, the nerve center is notified and grants approval. *See Page 10, lines 5-7.* The nerve center is also responsible for monitoring for system performance to avoid errors and faults and has the capability to redirect work within the system to overcome errors or faults with any particular component of the system. *See Page 10, lines 7-10.*

The nerve center may check to ensure that the data to be used for that service has been loaded into the channel database. *See Page 11, lines 15-20.* When the data becomes available, the nerve center then tasks the data distribution system with processing a particular service. *See Page 11, lines 20-21.*

The data distribution system may then process a service in several ways. *See Page 12, line 1.* A service may comprise a collection of sub-services, one or more of which are to be processed prior to one or more others. *See Page 12, lines 1-3.* In such event, each of a plurality of different data distribution servers processes a separate sub-service. *See Page 12, lines 3-4.* Each sub-service may be further broken down into jobs for each of the message generators managed be a server control system within the data distribution server. *See Page 12, lines 4-6.*

If a service relates to only a single task, then the service may be assigned to a data distribution system. *See Page 12, lines 7-8.* The data distribution control system may break the service into a plurality of jobs assigned to a plurality of different data distribution servers. *See Page 12, lines 8-10.* A server control system for the data distribution server may further break each of the jobs assigned into a plurality of batches, each batch being handled by one of a plurality of message generators. *See Page 12, lines 10-12.* The message generators process each item within a batch and generate the appropriate messages to be output through a message mail formatting system and mail forwarding system to subscribers. *See Page 12, lines 12-14.*

Additionally, to increase throughput, non-personalized content from a service may be processed separately, rather than processing that for each of a plurality of subscribers. *See Page 12, lines 15-17.* The non-personalized content may then be provided to the message generator to include in the messages for each personalized output for the subscribers. *See Page 12, lines 17-19.*

These techniques enable a high throughput output system for processing a plurality of outputs to a large number of subscribers. Other objects and advantages exist for the present invention. *See Page 12, lines 20-23.*

VI. ISSUE

The issue on appeal is whether the rejection under 35 U.S.C. § 103(a) of claims 1-27 based on U.S. Patent No. 5,895,454 to Harrington ("Harrington") is proper.

VII. GROUPING OF CLAIMS

Each of claims 1-27 stands or falls on its own. The reasons why each claim is separately patentable are provided in the argument.

VIII. ARGUMENT

The rejections of claims 1-27 over Harrington and the Examiner's taking of official notice that it is "well-known" in the art to charge subscription fees fail to make out a *prima facie* case of obviousness and must thus be withdrawn. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not in the applicant's disclosure. *In re Vaeck,* 947 F.2d 488, 493 (Fed. Cir. 1991); M.P.E.P. §2143. The pending Office Action fails to meet at least two of these requirements.

The Federal Circuit has unequivocally stated that "obviousness is measured by the claims." *In re Sovish,* 769 F.2d 738 (Fed. Cir. 1985). Further, ***all*** claim limitations must be

taught or suggested by the prior art in order to make out a proper *prima facie* case of obviousness. *In re Royka*, 490 F.2d 981, 984-85 (C.C.P.A. 1974); *In re Wilson,* 424 F.2d 1382, 1385 (C.C.P.A. 1970) ("All words in a claim must be considered in judging the patentability of that claim against the prior art."). Here, the Office Action disregards the above precedent by mischaracterizing or outright ignoring numerous claim terms and limitations. Essentially, the Office Action glances over and mischaracterizes the terms and limitations of independent Claim 1 by making vague and insufficient reference to the Harrington patent, but effectively ignores all dependent claim terms and limitations by merely asserting that "[a]ll other claimed limitations are either disclosed or inherent," an improper "catch-all" assertion that falls far short of complying with the Office's burden to set forth a proper §103 rejection.

In fact, the "catch-all" phrase is improper for at least two reasons. First, it fails to identify the "other" claim limitations that are purportedly disclosed by Harrington, and where specifically in Harrington such limitations may be found. Without this information Appellant is forced to speculate, making preparation of a complete and proper response virtually impossible. Board precedent clearly favors overturning such vague and equivocal rejections. *See e.g., Ex parte Gambogi*, 62 U.S.P.Q.2d 1209, 1212 (Bd. Pat. App & Inter. 2001) ("Rejection of claims in patent application under 35 U.S.C. §103(a) must be vacated and remanded, since patent examiner has ... not indicated what that prior art would have meant to person of ordinary skill in the art, since examiner has not referred to specific portions of each of cited references, and since rejection therefore requires both applicants and Board of Patent Appeals and Interferences to speculate....").

Second, the "catch-all" phrase is deficient because it asserts an inherency argument without providing the requisite supporting evidence. The Federal Circuit has stated that to

establish inherency the extrinsic evidence must make clear that the missing descriptive matter is *necessarily* present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). The Office Action neither identifies the missing descriptive matter nor asserts that it is necessarily present in the system described in Harrington. Indeed, there is no way of knowing which specific limitations are deemed inherent and which are deemed disclosed since the Office Action is silent on both counts. Presumably, appellant must divine whether a particular limitation is disclosed or inherent. Such conclusory statements in support of a §103 rejection cannot be relied upon and must be overturned. *In re Lee*, 277 F.3d 1338, 1343-44 (Fed. Cir. 2002) (The PTO "board cannot rely on conclusory statements when dealing with particular combinations of prior art and specific claims, but must set forth the rationale on which it relies.").

The Office Action also fails to properly identify any motivation to combine the cited references ***to achieve the claimed invention***. In fact, the pending §103(a) rejection of claims 1-27 over Harrington exemplifies classic hindsight reconstruction that is contrary to the law. Controlling Federal Circuit and Board precedent require that the Office Action set forth specific and particularized motivation for one of ordinary skill in the art to modify a primary reference to achieve a claimed invention. *Ruiz v. A.B. Chance Co.*, 234 F.3d 654, 664 (Fed. Cir. 2000) ("[t]o prevent a hindsight-based obviousness analysis, [the Federal Circuit has] clearly established that the relevant inquiry for determining the scope and content of the prior art is whether there is a reason, suggestion, or motivation in the prior art or elsewhere that would have led one of ordinary skill in the art to combine the references."). Here, the Office Action merely asserts the Harrington patent and includes the taking of official notice that it is allegedly "well known" in the art to charge subscription fees. Thus, even if the proper motivation or suggestion to combine

were properly asserted and found to exist, the ultimate combination achieved would not result in the claimed invention, but rather in a system that charges fees to search through web sites of various product and service providers and receive a list of the ones that match particular search criteria (such as a particular good or product)—a far cry from the more sophisticated "system for delivering personalized informational content to subscribers" covered by claim 1, for example.

Appellant also asserts that the Harrington patent—the primary reference relied upon by the Office Action—is non-analogous art, and thus cannot be relied upon to support the §103 rejections. Two criteria have evolved for determining whether an asserted reference is analogous: (1) whether the art is from the same field of endeavor, regardless of the problem addressed, and (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved. *In re Clay*, 966 F.2d 656, 658-59 (Fed. Cir. 1992); *see also In re Deminski*, 796 F.2d 436, 442 (Fed. Cir. 1986); *In re Wood*, 599 F.2d 1032, 1036 (C.C.P.A. 1979). The Harrington patent is clearly non-analogous art to the claimed invention. Harrington relates to a system that enables users to search through web sites of various product and service providers and receive a list of the ones that match particular search criteria (such as a particular good or product), and thus does not relate at all to a system for delivering personalized informational content to subscribers as described by the claims. Moreover, Harrington is unrelated to the claimed invention's field of endeavor, namely intelligent "push" technology, or to any problem reasonably related to the problem(s) that the claimed invention has solved, such as known systems': (1) mere dumping of information without regard to a user's particular preferences or interests, (2) requirement to utilize a computer and web-browser to access the World-Wide-Web's contents, and (3) inability to continuously and automatically provide pertinent

information in a timely and accurate manner.

Simply put, the Office has failed to set forth a *prima facie* case of obviousness for any of the pending independent and dependent claims. Additionally, it presents rejections in such a way that forces appellant to speculate about where a particular limitation is found in the Harrington reference, as well as whether a particular limitation is disclosed or inherent. Moreover, the primary reference asserted in support of the rejections, the Harrington patent, is non-analogous art to the claimed invention and is thus improperly relied upon to support the §103 rejections. In view of these deficiencies, appellant respectfully submits that the Office has failed to set forth any proper basis for rejecting the claims, and thus requests that the pending rejections be withdrawn and the pending claims be allowed.

The impropriety of the rejections with respect to each claim is addressed below.

A. The Rejection Under 35 U.S.C. § 103(a) of Claims 1-27 Based on U.S. Patent No. 5,895,454 to Harrington ("Harrington") is Improper

The Office Action fails to set forth a proper *prima facie* case of obviousness based on the Harrington reference and the Examiner's taking of official notice that it is "well known" in the art to charge subscription fees. For instance, the Office Action mischaracterizes or completely fails to address most, if not all, of the pending claim terms and limitations. Taking independent claim 1 as an example, the Office Action ignores and/or mischaracterizes each and every claim recitation and fails to identify those portion(s) of the Harrington patent that purportedly teach or suggest the claimed subject matter. For instance, regarding the recitation "subscription means for users to subscribe to one or more services on one or more channel databases," the Office Action *apparently* asserts that Harrington teaches that "users register and have access to different

services and products available."[1] While no reference is made in the Office Action to specific portion(s) of Harrington where such a teaching or suggestion could be found, a reading of Harrington makes evident that the Office Action wholly mischaracterizes the recitation and instead appears to rely on disclosure of Harrington that has nothing to do with the "subscription means" recitation of claim 1. In fact, the Harrington disclosure apparently relied on relates to a user's ability to learn about numerous vendor web sites offering a particular product by interacting with only one. Appellant is perplexed at how such a disclosure can be found to read on the "subscription limitation means" of claim 1.[2] Appendix B illustrates other similarly vague (and conclusory) references made to Harrington in connection with limitations of independent claim 1. Such conclusory statements are not countenanced by the Federal Circuit and must be withdrawn. *In re Lee*, 277 F.3d 1338, 1343-44 (Fed. Cir. 2002) (The PTO "board cannot rely on conclusory statements when dealing with particular combinations of prior art and specific claims, but must set forth the rationale on which it relies.").

The case with the dependent claims is even more egregious because the Office Action outright ignores each and every claim limitation. For instance, the Office Action fails to address the recitation of dependent claim 2: "a subscription transaction processing means that charges subscribers fees." Nor does the Office Action address the recitation of claim 6: "advertising

[1] Appellant presumes that the parenthetical information following each claim limitation in paragraph 3 of the Office Action refers to the Examiner's understanding of what Harrington discloses.

[2] Particularly perplexing is the inherent contradiction with the Office Action's handling of claim recitations relating to subscription by users. On the one hand, the Office Action asserts that Harrington discloses such a feature, as evidenced, for example, by the questionable rejection of the "subscription means" recitation of claim 1. On the other hand, the Office Action concedes that Harrington "is somewhat unclear regarding user subscribing to the services." Appellant has thoroughly reviewed the Harrington patent and asserts the latter is true: Harrington does not teach or suggest anything remotely like the subscription features of the claimed invention.

collection means for collecting fees for advertisements included in the service outputs." Appendix C makes clear how every dependent claim has suffered the same fate. Despite the prominence the various recitations have in the claims, they are effectively ignored in the Office Action, which, in an apparent slight of hand, purports to address the limitations by making a "catch all" assertion that "[a]ll other claimed limitations are either disclosed or inherent." Such conclusory and wholesale disregard of pending claim terms and limitations are not proper and should not be tolerated. *See e.g.,. In re Lee*, 277 F.3d at 1343-44; *In re Royka,* 490 F.2d 981, 984-85 (C.C.P.A. 1974) (obviousness requires a suggestion of all limitations in a claim.).

The "catch-all" phrase is also deficient because it asserts an inherency argument without providing the requisite supporting evidence. The Federal Circuit has stated that to establish inherency the extrinsic evidence must make clear that the missing descriptive matter is *necessarily* present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). The Office Action neither identifies the missing descriptive matter nor asserts that it is necessarily present in the system described in Harrington. Indeed, there is no way of knowing which specific limitations are deemed inherent and which are deemed disclosed since the Office Action is silent on both counts. Presumably, appellant must divine whether a particular limitation is disclosed or inherent. However, Board precedent is unequivocal: rejections requiring speculation on the part of either the applicant or the Board must be summarily overturned. *See e.g., Ex parte Gambogi*, 62 U.S.P.Q.2d 1209, 1212 (Bd. Pat. App. & Inter. 2001) ("Rejection of claims in patent application...must be vacated and remanded, since ... both applicants and Board of Patent Appeals and Interferences to speculate....").

The Office Action also fails to properly demonstrate a motivation to combine the cited

references ***to achieve the claimed invention***. For example, the Office Action states "[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system of Harrington with the ability to charge 'subscription' fees in order to provide service providers with revenue," but then fails to provide or characterize any motivation or suggestion to make such a combination. Nonetheless, even if the proper motivation or suggestion to combine was properly asserted and found to exist, the ultimate combination achieved would not result in the claimed invention, but rather in a system that merely charges fees to allow a user to search through web sites of various product and service providers and receive a list of the ones that match particular search criteria (such as a particular good or product), a far cry from the more sophisticated system for delivering personalized informational content to subscribers covered by the pending claims.

Thus, the Office Action's obviousness rejections are nothing more than conclusory statements comprising the type of hindsight reconstruction that the courts and this Board have warned against for decades. For these reasons, therefore, the attempt to summarily piece together a single U.S. patent and the Examiner's apparent taking of official notice to yield appellant's claimed invention is improper and should be overturned.

Appellant also asserts that the Harrington patent—the primary reference relied upon by the Office Action—is non-analogous art, and thus cannot be relied upon to support the §103 rejections. Two criteria have evolved for determining whether an asserted reference is analogous: (1) whether the art is from the same field of endeavor, regardless of the problem addressed, and (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved. *In re Clay*, 966 F.2d 656, 658-59 (Fed. Cir. 1992); *see also In re Deminski*, 796 F.2d

436, 442 (Fed. Cir. 1986); *In re Wood*, 599 F.2d 1032, 1036 (C.C.P.A. 1979). The Harrington patent is clearly non-analogous art to the claimed invention. Harrington relates to a system that enables users to search through web sites of various product and service providers and receive a list of the ones that match particular search criteria (such as a particular good or product), and thus does not relate at all to a system for delivering personalized informational content to subscribers as described by the claims. Moreover, Harrington is unrelated to the claimed invention's field of endeavor, namely intelligent "push" technology, or to any problem reasonably related to the problem(s) that the claimed invention has solved, such as known systems': (1) mere dumping of information without regard to a user's particular preferences or interests, (2) requirement to utilize a computer and web-browser to access the World-Wide-Web's contents, and (3) inability to continuously and automatically provide pertinent information in a timely and accurate manner.

B. Claim 1 is Separately Patentable

The proposed combination fails to suggest the recitation in dependent claim 1. For example, as discussed above, Harrington does not teach or suggest a subscription means for enabling users to subscribe to one or more services on one or more channel databases. Further, there is no suggestion in Harrington to modify Harrington to provide a subscription means for enabling users to subscribe to one or more services on one or more channel databases. Moreover, there is no suggestion that any such subscription means for enabling users to subscribe to one or more services on one or more channel databases is desirable or advantageous in the system of Harrington.

C. Claim 2 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 2.

There is no suggestion in Harrington to modify Harrington to provide a revenue generating means comprising a subscription transaction processing means that charges subscribers fees. Further, there is no suggestion that any such a subscription transaction processing means is desirable or advantageous in the system of Harrington. The rejection of claim 2 over the various grounds asserted above should be overruled and claim 2 should be identified as separately patentable from claim 1.

D. Claim 3 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 3. There is no suggestion in Harrington to modify Harrington to provide a periodic charge. Further, there is no suggestion that any such a periodic charge is desirable or advantageous in the system of Harrington. The rejection of claim 3 over the various grounds asserted above should be overruled and claim 3 should be identified as separately patentable from claims 1 and 2.

E. Claim 4 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 4. There is no suggestion in Harrington to modify Harrington to charge a fee to the subscriber that is based on the services to which the subscriber subscribes. Further, there is no suggestion that any such fee is desirable or advantageous in the system of Harrington. The rejection of claim 4 over the various grounds asserted above should be overruled and claim 4 should be identified as separately patentable from claims 1 and 2.

F. Claim 5 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 5. There is no suggestion in Harrington to modify Harrington to charge a fee based on the usage by the subscriber of the personalized intelligence network system. Further, there is no suggestion

that any such fee is desirable or advantageous in the system of Harrington. The rejection of claim 5 over the various grounds asserted above should be overruled and claim 5 should be identified as separately patentable from claims 1 and 2.

G. Claim 6 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 6. There is no suggestion in Harrington to modify Harrington to provide revenue generating means comprising advertising collection means for collecting fees for advertisements included in the service outputs. Further, there is no suggestion that any such advertising collection means is desirable or advantageous in the system of Harrington. The rejection of claim 6 over the various grounds asserted above should be overruled and claim 6 should be identified as separately patentable from claim 1.

H. Claim 7 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 7. There is no suggestion in Harrington to modify Harrington to provide revenue generating means comprising transactional means that performs transactions with subscribers resulting from the service output and allocates revenues from the transactions to the personalized intelligence network system and one or more affiliate systems. Further, there is no suggestion that any such transactional means is desirable or advantageous in the system of Harrington. The rejection of claim 7 over the various grounds asserted above should be overruled and claim 7 should be identified as separately patentable from claim 1.

I. Claim 8 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 8. There is no suggestion in Harrington to modify Harrington to provide revenue generating means

comprising bundling fee generating means for generating bundling fees for bundling service subscriptions with another product or service and allocating revenues from the bundling to the personalized intelligence network system. Further, there is no suggestion that any such bundling fee generating means is desirable or advantageous in the system of Harrington. The rejection of claim 8 over the various grounds asserted above should be overruled and claim 8 should be identified as separately patentable from claim 1.

J. Claim 9 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 9. There is no suggestion in Harrington to modify Harrington to provide one or more affiliate systems that inform users about subscribing to one or more services from the personalized intelligence network. Further, there is no suggestion that any such affiliate systems is desirable or advantageous in the system of Harrington. The rejection of claim 9 over the various grounds asserted above should be overruled and claim 9 should be identified as separately patentable from claim 1.

K. Claim 10 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 10. There is no suggestion in Harrington to modify Harrington to provide affiliate systems comprising an accessible network site that provides content to its users and wherein the accessible network enables user to connect to the subscription means. Further, there is no suggestion that any such accessible network site is desirable or advantageous in the system of Harrington. The rejection of claim 10 over the various grounds asserted above should be overruled and claim 10 should be identified as separately patentable from claims 1 and 9.

L. Claim 11 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 11. There is no suggestion in Harrington to modify Harrington to provide an accessible network site providing an executable link to a network-based subscription interface system that enables the user to subscribe to one or more services. Further, there is no suggestion that any such executable link is desirable or advantageous in the system of Harrington. The rejection of claim 11 over the various grounds asserted above should be overruled and claim 11 should be identified as separately patentable from claims 1, 9 and 10.

M. Claim 12 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 12. There is no suggestion in Harrington to modify Harrington to provide an accessible network site that comprises a web site. Further, there is no suggestion that any such web site is desirable or advantageous in the system of Harrington. The rejection of claim 12 over the various grounds asserted above should be overruled and claim 12 should be identified as separately patentable from claims 1, 9, 10 and 11.

N. Claim 13 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 13. There is no suggestion in Harrington to modify Harrington to provide an affiliate system and a personal intelligence network that share revenues generated from subscriptions. Further, there is no suggestion that any such sharing of revenue between an affiliate system and a personal intelligence network is desirable or advantageous in the system of Harrington. The rejection of claim 13 over the various grounds asserted above should be overruled and claim 13 should be identified as separately patentable from claims 1 and 9.

O. Claim 14 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 14. There is no suggestion in Harrington to modify Harrington to provide shared revenues based on the revenues generated by the subscribers that subscribe as a result of the affiliate system. Further, there is no suggestion that any such shared revenues is desirable or advantageous in the system of Harrington. The rejection of claim 14 over the various grounds asserted above should be overruled and claim 14 should be identified as separately patentable from claim 1, 9 and 13.

P. Claim 15 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 15. There is no suggestion in Harrington to modify Harrington to charge subscribers a fee and wherein the revenue from the fees charged to subscribers is shared between the affiliate system and the personal intelligence network system. Further, there is no suggestion that any such fee is desirable or advantageous in the system of Harrington. The rejection of claim 15 over the various grounds asserted above should be overruled and claim 15 should be identified as separately patentable from claims 1 and 9.

Q. Claim 16 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 16. There is no suggestion in Harrington to modify Harrington to provide a revenue collection means that attributes a revenue value to advertisements included in the service outputs. Further, there is no suggestion that any such attribution is desirable or advantageous in the system of Harrington. The rejection of claim 16 over the various grounds asserted above should be overruled and claim 16 should be identified as separately patentable from claims 1 and 9.

R. Claim 17 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 17.

There is no suggestion in Harrington to modify Harrington to provide a revenue collection means that collects an advertising revenue from the affiliate system. Further, there is no suggestion that any such collection of revenue is desirable or advantageous in the system of Harrington. The rejection of claim 17 over the various grounds asserted above should be overruled and claim 17 should be identified as separately patentable from claims 1 and 9.

S. Claim 18 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 18. There is no suggestion in Harrington to modify Harrington to provide a revenue collection means that collects an advertising revenue from a third party entity. Further, there is no suggestion that any such collection of revenue is desirable or advantageous in the system of Harrington. The rejection of claim 18 over the various grounds asserted above should be overruled and claim 18 should be identified as separately patentable from claims 1 and 9.

T. Claim 19 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 19. There is no suggestion in Harrington to modify Harrington to provide a revenue shared between the affiliate system and the personalized intelligence network that includes advertising revenue. Further, there is no suggestion that any such revenue is desirable or advantageous in the system of Harrington. The rejection of claim 19 over the various grounds asserted above should be overruled and claim 19 should be identified as separately patentable from claims 1, 9 and 16.

U. Claim 20 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 20. There is no suggestion in Harrington to modify Harrington to provide a revenue generating means that comprises transactional means that performs transactions with subscribers resulting

from the service output and allocates revenues from the transactions to the personalized intelligence network system. Further, there is no suggestion that any such transactional means is desirable or advantageous in the system of Harrington. The rejection of claim 20 over the various grounds asserted above should be overruled and claim 20 should be identified as separately patentable from claims 1 and 9.

V. Claim 21 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 21. There is no suggestion in Harrington to modify Harrington to provide a revenue shared between affiliate systems and the personalized intelligence network that includes transactional related revenues. Further, there is no suggestion that any such revenues is desirable or advantageous in the system of Harrington. The rejection of claim 21 over the various grounds asserted above should be overruled and claim 21 should be identified as separately patentable from claims 1, 9 and 20.

W. Claim 22 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 22. There is no suggestion in Harrington to modify Harrington to provide an affiliate system that bundles a service subscription with another product or service for a fee and a revenue collection means that allocates a revenue value for a subscription portion from the bundled fee. Further, there is no suggestion that any such affiliate system and/or revenue collection means is desirable or advantageous in the system of Harrington. The rejection of claim 22 over the various grounds asserted above should be overruled and claim 22 should be identified as separately patentable from claims 1 and 9.

X. Claim 23 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 23. There is no suggestion in Harrington to modify Harrington to provide revenue shared between affiliate systems and the personalized intelligence network that includes bundling fee allocations. Further, there is no suggestion that any such bundling fee allocations is desirable or advantageous in the system of Harrington. The rejection of claim 23 over the various grounds asserted above should be overruled and claim 23 should be identified as separately patentable from claims 1, 9 and 22.

Y. Claim 24 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 24. There is no suggestion in Harrington to modify Harrington to provide at least two affiliates and wherein revenue generated is shared between at least two affiliates. Further, there is no suggestion that any such at least two affiliates and/or revenue sharing is desirable or advantageous in the system of Harrington. The rejection of claim 24 over the various grounds asserted above should be overruled and claim 24 should be identified as separately patentable from claims 1 and 9.

Z. Claim 25 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 25. There is no suggestion in Harrington to modify Harrington to provide affiliate system comprising content provision means for providing content to one or more channel databases. Further, there is no suggestion that any such content provision means is desirable or advantageous in the system of Harrington. The rejection of claim 25 over the various grounds asserted above should be overruled and claim 25 should be identified as separately patentable from claims 1 and 9.

AA. Claim 26 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 26. There is no suggestion in Harrington to modify Harrington to provide content provided by an affiliate system to an affiliate channel for that affiliate system. Further, there is no suggestion that any such provision of content is desirable or advantageous in the system of Harrington. The rejection of claim 26 over the various grounds asserted above should be overruled and claim 26 should be identified as separately patentable from claims 1, 9 and 25.

BB. Claim 27 is Separately Patentable

The proposed combination also fails to suggest the recitation in dependent claim 27. There is no suggestion in Harrington to modify Harrington to provide an affiliate system comprising content filtering means for specifying filters to be applied to service output prior to sending service output to subscribers from that affiliate system. Further, there is no suggestion that any such content filtering means is desirable or advantageous in the system of Harrington. The rejection of claim 27 over the various grounds asserted above should be overruled and claim 27 should be identified as separately patentable from claims 1 and 9.

In view of the foregoing, appellant respectfully requests that the Board reverse the pending rejections set forth in the Action, and allow all of the pending claims.

Respectfully submitted,

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APPENDIX A - Pending Claims

1. A system for delivering personalized informational content to subscribers comprising:

a personalized intelligence network system comprising:

subscription means for enabling users to subscribe to one or more services on one or more channel databases;

personalization means for enabling users to indicate personalization options relating to the one or more services;

one or more channel databases containing informational data about a subject matter of interest for a plurality of subscribers;

service processing means for processing at least one service for a plurality of subscribers using the information from one of the channel databases;

output forwarding means for automatically forwarding output from the services to one or more subscriber output devices specified for that service; and

revenue generating means for generating revenue as a result of the output of services to subscribers.

2. The system of claim 1 wherein the revenue generating means comprising a subscription transaction processing means that charges subscribers fees.

3. The system of claim 2 wherein the fee charged to the subscriber is a periodic

charge.

4. The system of claim 2 wherein the fee charged to the subscriber is based on the services to which the subscriber subscribes.

5. The system of claim 2 wherein the fee charged is based on the usage by the subscriber of the personalized intelligence network system.

6. The system of claim 1 wherein the revenue generating means comprises advertising collection means for collecting fees for advertisements included in the service outputs.

7. The system of claim 1 wherein the revenue generating means comprises transactional means that performs transactions with subscribers resulting from the service output and allocates revenues from the transactions to the personalized intelligence network system and one or more affiliate systems.

8. The system of claim 1 wherein the revenue generating means comprises bundling fee generating means for generating bundling fees for bundling service subscriptions with another product or service and allocating revenues from the bundling to the personalized intelligence network system.

9. The system of claim 1 further comprising one or more affiliate systems that inform users about subscribing to one or more services from the personalized intelligence network.

10. The system of claim 9 wherein at least one of the affiliate systems comprises an

accessible network site that provides content to its users and wherein the accessible network enables user to connect to the subscription means.

11. The system of claim 10 wherein the accessible network site provides an executable link to a network-based subscription interface system that enables the user to subscribe to one or more services.

12. The system of claim 11 wherein the accessible network site comprises a web site.

13. The system of claim 9 wherein the affiliate system and personal intelligence network share revenues generated from subscriptions.

14. The system of claim 13 wherein the shared revenues are based on the revenues generated by the subscribers that subscribe as a result of the affiliate system.

15. The system of claim 9 wherein subscribers are charged a fee and wherein the revenue from the fees charged to subscribers is shared between the affiliate system and the personal intelligence network system.

16. The system of claim 9 wherein the revenue collection means attributes a revenue value to advertisements included in the service outputs.

17. The system of claim 9 wherein the revenue collection means collects an advertising revenue from the affiliate system.

18. The system of claim 9 wherein the revenue collection means collects an advertising revenue from a third party entity.

19. The system of claim 16 wherein the revenue shared between the affiliate system and the personalized intelligence network includes advertising revenue.

20. The system of claim 9 wherein the revenue generating means comprises transactional means that performs transactions with subscribers resulting from the service output and allocates revenues from the transactions to the personalized intelligence network system.

21. The system of claim 20 wherein the revenue shared between affiliate systems and the personalized intelligence network includes transactional related revenues.

22. The system of claim 9 wherein the affiliate system bundles a service subscription with another product or service for a fee and the revenue collection means allocates a revenue value for a subscription portion from the bundled fee.

23. The system of claim 22 wherein the revenue shared between affiliate systems and the personalized intelligence network includes bundling fee allocations.

24. The system of claim 9 comprising at least two affiliates and wherein revenue generated is shared between at least two affiliates.

25. The system of claim 9 wherein the affiliate system comprises content provision means for providing content to one or more channel databases.

26. The system of claim 25 wherein the content provided by an affiliate system is provided to an affiliate channel for that affiliate system.

27. The system of claim 9 wherein the affiliate system comprises content filtering

means for specifying filters to be applied to service output prior to sending service output to subscribers from that affiliate system.

Claims 28 - 51 (Withdrawn).

APPENDIX B – CLAIM LIMITATIONS OF INDEPENDENT CLAIM 1

Limitation	What Office Action Asserts Harrington Discloses	What Harrington Actually Discloses
Personalized intelligence network system, comprising:	Not Addressed	Nothing
subscription means for enabling users to subscribe to one or more services on one or more channel databases	users register and have access to different services and products available	Users can interface with remote computer network vendor locations (i.e., web sites) *See* Col. 1, lines 6-8. **There is no teaching or suggestion of subscription means for enabling users to subscribe to one or more services on one or more channel databases**
personalization means for enabling users to indicate personalization options relating to the one or more services;	User inputs information personalized to what services they prefer, such as what type of services they want information on	The query step comprises the user specifying attributes or characteristics of the product/service such as geographical location of [the] remote vendor, delivery time, nature of the good/service and the like. *See* Col. 2, lines 61-65. **There is no teaching or suggestion of personalization means for enabling users to indicate personalization options relating to the one or more services**

Limitation	What Office Action Asserts Harrington Discloses	What Harrington Actually Discloses
one or more channel databases containing informational data about a subject matter of interest for a plurality of subscribers;	User query information	Preferably the database contains information relating to the products/services provided by the remote vendor sites which are accessible or have subscribed to the system, wherein the information corresponding to a particular vendor is sufficient to allow the database to effectively provide a selection of potential remote vendor network sites based on criteria or a query specified by the user. *See* Col. 3, lines 10-16. **There is no teaching or suggestion of one or more channel databases containing informational data about a subject matter of interest for a plurality of subscribers**

Limitation	What Office Action Asserts Harrington Discloses	What Harrington Actually Discloses
service processing means for processing at least one service for a plurality of subscribers using the information from one of the channel databases;	e.g. links user to relating products/services	The database front-end 20 would then provide connectivity functionality 22 to enable the user to connect 35 to any of the websites 12a-g (in FIG. 1) whereupon the user 11 would interact with the remote vendor website 23 using the commands and structured data Hierarchy (24) as originally established by the vendor 25 (or the vendors website designer as the case may be). **There is no teaching or suggestion of service processing means for processing at least one service for a plurality of subscribers using the information from one of the channel databases**

Limitation	What Office Action Asserts Harrington Discloses	What Harrington Actually Discloses
output forwarding means for automatically forwarding output from the services to one or more subscriber output devices specified for that service; and	e.g. entertainment, radio, games	There are many further features which would be implemented in the database administration software. For example, internet radio could be used to provide music for a user while `shopping`, information as to various specials of short database duration could also be accessible in a particular area on the database. *See* Col. 6, lines 11-14. It is further envisaged that while the description above has been given in the context of shopping, the present method could be adapted for searching for other "focussed" subject matter on the internet. Examples of such subject matter include entertainment or games. *See* Col. 6, lines 36-40. **There is no teaching or suggestion of output forwarding means for automatically forwarding output from the services to one or more subscriber output devices specified for that service**

Limitation	What Office Action Asserts Harrington Discloses	What Harrington Actually Discloses
revenue generating means for generating revenue as a result of the output of services to subscribers.	Administration software handles cost allocations for transactions, e.g. to administrator, telecommunications carrier or third party.	The administration software 10 handles all cost allocations appropriate within a particular transaction, whether in the form of revenue to be diverted to the physical database administrator, a telecommunications carrier or other third party. *See* Col. 4, lines 59-63. **There is no teaching or suggestion of revenue generating means for generating revenue as a result of the output of services to subscribers**

APPENDIX C - CLAIM TERMS NOT PROPERLY ADDRESSED IN OFFICE ACTION

Claim Term or Limitation	Not Properly Addressed in Office Action
Claim 1- *A system for delivering personalized informational content to subscribers* comprising:	- A system for delivering personalized informational content to subscribers
a personalized intelligence network system comprising:	- a personalized intelligence network system
subscription means for enabling users to subscribe to one or more services on one or more channel databases;	- subscription means for enabling users to subscribe to one or more services on one or more channel databases
personalization means for enabling users to indicate personalization options relating to the one or more services;	- personalization means for enabling users to indicate personalization options relating to the one or more services
one or more channel databases containing informational data about a subject matter of interest for a plurality of subscribers;	- one or more channel databases containing informational data about a subject matter of interest for a plurality of subscribers
service processing means for processing at least one service for a plurality of subscribers using the information from one of the channel databases;	- service processing means for processing at least one service for a plurality of subscribers using the information from one of the channel databases
output forwarding means for automatically forwarding output from the services to one or more subscriber output devices specified for that service; and	- output forwarding means for automatically forwarding output from the services to one or more subscriber output devices specified for that service
revenue generating means for generating revenue as a result of the output of services to subscribers.	- revenue generating means for generating revenue as a result of the output of services to subscribers
Claim 2- The system of claim 1 wherein the revenue generating means comprising a *subscription transaction processing means that charges subscribers fees.*	- subscription transaction processing means that charges subscribers fees

Claim Term or Limitation	Not Properly Addressed in Office Action
Claim 3-The system of claim 2 wherein the fee charged to the subscriber is *a periodic charge.*	- a periodic charge
Claim 4- The system of claim 2 wherein the *fee charged to the subscriber is based on the services to which the subscriber subscribes.*	- fee charged to the subscriber is based on the services to which the subscriber subscribes
Claim 5- The system of claim 2 wherein the *fee charged is based on the usage by the subscriber* of the personalized intelligence network system.	- fee charged is based on the usage by the subscriber
Claim 6- The system of claim 1 wherein the revenue generating means comprises *advertising collection means for collecting fees for advertisements included in the service outputs.*	- advertising collection means for collecting fees for advertisements included in the service outputs
Claim 7- The system of claim 1 wherein the revenue generating means comprises *transactional means that performs transactions with subscribers resulting from the service output and allocates revenues from the transactions to the personalized intelligence network system and one or more affiliate systems.*	- transactional means that performs transactions with subscribers resulting from the service output and allocates revenues from the transactions to the personalized intelligence network system and one or more affiliate systems
Claim 8- The system of claim 1 wherein the revenue generating means comprises *bundling fee generating means for generating bundling fees for bundling service subscriptions with another product or service and allocating revenues from the bundling to the personalized intelligence network system.*	- bundling fee generating means for generating bundling fees for bundling service subscriptions with another product or service and allocating revenues from the bundling to the personalized intelligence network system

Claim Term or Limitation	Not Properly Addressed in Office Action
Claim 9- The system of claim 1 further comprising *one or more affiliate systems that inform users about subscribing to one or more services from the personalized intelligence network.*	- one or more affiliate systems that inform users about subscribing to one or more services from the personalized intelligence network
Claim 10- The system of claim 9 wherein at least one of the affiliate systems comprises an *accessible network site that provides content to its users and wherein the accessible network enables user to connect to the subscription means.*	- accessible network site that provides content to its users and wherein the accessible network enables user to connect to the subscription means
Claim 11- The system of claim 10 wherein the accessible network site provides an *executable link to a network-based subscription interface system that enables the user to subscribe to one or more services.*	- executable link to a network-based subscription interface system that enables the user to subscribe to one or more services
Claim 12- The system of claim 11 wherein the *accessible network site comprises a web site.*	- accessible network site comprises a web site
Claim 13- The system of claim 9 wherein the *affiliate system and personal intelligence network share revenues generated from subscriptions.*	- affiliate system and personal intelligence network share revenues generated from subscriptions
Claim 14- The system of claim 13 wherein the *shared revenues are based on the revenues generated by the subscribers that subscribe as a result of the affiliate system.*	- shared revenues are based on the revenues generated by the subscribers that subscribe as a result of the affiliate system
Claim 15- The system of claim 9 wherein *subscribers are charged a fee and wherein the revenue from the fees charged to subscribers is shared between the affiliate system and the personal intelligence network system.*	- subscribers are charged a fee and wherein the revenue from the fees charged to subscribers is shared between the affiliate system and the personal intelligence network system

Claim Term or Limitation	Not Properly Addressed in Office Action
Claim 16- The system of claim 9 wherein the *revenue collection means attributes a revenue value to advertisements included in the service outputs.*	- revenue collection means attributes a revenue value to advertisements included in the service outputs
Claim 17- The system of claim 9 wherein the *revenue collection means collects an advertising revenue from the affiliate system.*	- revenue collection means collects an advertising revenue from the affiliate system
Claim 18- The system of claim 9 wherein the *revenue collection means collects an advertising revenue from a third party entity.*	- revenue collection means collects an advertising revenue from a third party entity
Claim 19- The system of claim 16 wherein the *revenue shared between the affiliate system and the personalized intelligence network includes advertising revenue.*	- revenue shared between the affiliate system and the personalized intelligence network includes advertising revenue
Claim 20- The system of claim 9 wherein the revenue generating means comprises *transactional means that performs transactions with subscribers resulting from the service output and allocates revenues from the transactions to the personalized intelligence network system.*	- transactional means that performs transactions with subscribers resulting from the service output and allocates revenues from the transactions to the personalized intelligence network system
Claim 21- The system of claim 20 wherein the *revenue shared between affiliate systems and the personalized intelligence network includes transactional related revenues.*	- revenue shared between affiliate systems and the personalized intelligence network includes transactional related revenues
Claim 22- The system of claim 9 wherein the *affiliate system bundles a service subscription with another product or service for a fee and the revenue collection means allocates a revenue value for a subscription portion from the bundled fee.*	- affiliate system bundles a service subscription with another product or service for a fee and the revenue collection means allocates a revenue value for a subscription portion from the bundled fee

Claim Term or Limitation	Not Properly Addressed in Office Action
Claim 23- The system of claim 22 wherein the *revenue shared between affiliate systems and the personalized intelligence network includes bundling fee allocations.*	- revenue shared between affiliate systems and the personalized intelligence network includes bundling fee allocations
Claim 24- The system of claim 9 comprising *at least two affiliates and wherein revenue generated is shared between at least two affiliates.*	- at least two affiliates and wherein revenue generated is shared between at least two affiliates
Claim 25- The system of claim 9 wherein the *affiliate system comprises content provision means for providing content to one or more channel databases.*	- affiliate system comprises content provision means for providing content to one or more channel databases
Claim 26- The system of claim 25 wherein the *content provided by an affiliate system is provided to an affiliate channel for that affiliate system.*	- content provided by an affiliate system is provided to an affiliate channel for that affiliate system
Claim 27- The system of claim 9 wherein the *affiliate system comprises content filtering means for specifying filters to be applied to service output prior to sending service output to subscribers from that affiliate system.*	- affiliate system comprises content filtering means for specifying filters to be applied to service output prior to sending service output to subscribers from that affiliate system